

**MCCAULLEY LAW GROUP LLC**  
JOSHUA V. VAN HOVEN, (CSB No. 261815)  
E-Mail: josh@mccaulleylawgroup.com  
3001 Bishop Dr., Suite 300  
San Ramon, California 94583  
Telephone: 925.302.5941

RICHARD T. MCCAULLEY (*pro hac vice*)  
E-Mail: richard@mccaulleylawgroup.com  
180 N. Wabash Avenue, Suite 601  
Chicago, Illinois 60601  
Telephone: 312.330.8105

*Attorneys for Plaintiff and Counter-Defendant,*  
SURGICAL INSTRUMENT SERVICE COMPANY, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

SURGICAL INSTRUMENT SERVICE  
COMPANY, INC.

*Plaintiff,*

v.

INTUITIVE SURGICAL, INC.,

*Defendant.*

Case No. 3:21-cv-03496-AMO

**DECLARATION OF JOSHUA VAN  
HOVEN IN SUPPORT OF PLAINTIFF  
SIS'S BRIEF OPPOSING INTUITIVE'S  
MOTION TO REOPEN DISCOVERY**

Hearing: September 26, 2024  
Time: 2 PM PDT  
Courtroom 10  
The Honorable Araceli Martinez-Olguin

Complaint Filed: May 10, 2021

1 I, JOSHUA VAN HOVEN, declare as follows:

2 I am an attorney at the law firm of MCCAULLEY LAW GROUP LLC, attorneys for  
3 Plaintiff SURGICAL INSTRUMENT SERVICE COMPANY, INC. ("SIS") in this matter. I  
4 have personal knowledge of the matters set forth herein, unless otherwise noted.

5 1. Attached as Exhibit 1 is a true and correct copy of a an FDA 510(k) Summary for  
6 an 8mm Monopolar Curved Scissors to Iconocare Health, dated September 30, 2022 and  
7 November 15, 2022, which was produced by Surgical Instrument Service Company, Inc.  
8 in this case and bates-labeled as SIS357813 - SIS357818, and is also publicly available at  
9 <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfpmn/pmn.cfm?ID=K210478> .

10 2. Attached as Exhibit 2 is a true and correct copy of excerpts of the 30(b)(6)  
11 Deposition of Keith Robert Johnson, which was taken on October 27, 2022.

12 3. Attached as Exhibit 3 is a true and correct copy of excerpts of the Deposition of  
13 Jean Sargent, which was taken on March 6, 2023.

14 4. Attached as Exhibit 4 is a true and correct copy of excerpts of the Deposition of  
15 Dan Jones, which was taken on November 10, 2022 - the portions that are attached hereto  
16 were previously filed on the public docket at Dkt. 228-47.

17 5. Attached as Exhibit 5 is a true and correct copy of an Intuitive Letter, which is  
18 dated January 29, 2020, which was produced by Intuitive in this case and bates-labeled  
19 Intuitive-00552745-Intuitive-00552759 - the portions that are attached hereto were  
20 previously filed on the public docket at Dkt. 222-27.

21 6. Attached as Exhibit 6 is a true and correct copy of e-mail correspondence between  
22 FDA and Rebotix, starting December 10, 2021, which was publicly filed in Rebotix  
23 Repair LLC v. Intuitive Surgical, Inc., 8:20-cv-2274 (M.D. Fla.).

24 7. Attached as Exhibit 7 is a true and correct copy of excerpts of the Deposition of  
25 Stan Hamilton, which was taken on November 4, 2022 - the portions that are attached  
26 hereto were previously filed on the public docket at Dkt. 222-50.

27 8. Attached as Exhibit 8 is a true and correct copy of a document which was  
28

1 produced by Intuitive in this case and bates-labeled Intuitive-002070399-Intuitive-  
2 02070405.

3 9. Attached as Exhibit 9 is a true and correct copy of a document which was  
4 produced by Intuitive in this case and bates-labeled Intuitive-02072151-Intuitive-  
5 02072157.

6 10. Attached as Exhibit 10 is a true and correct copy of the first page of a “Dear  
7 Intuitive Customer” Letter relating to the December 31, 2024 end-of-service date and  
8 final buy notice for da Vinci Si Surgical System, instruments, accessories, and  
9 endoscopes, which is dated July 8, 2024.

10 11. Attached as Exhibit 11 is a true and correct copy excerpts of the Deposition of  
11 Stan Hamilton, which was taken on November 4, 2022 - the portions that are attached  
12 hereto were previously filed on the public docket at Dkt. 228-60.

13 12. Attached as Exhibit 12 is a true and correct copy of excerpts of the Deposition of  
14 Clifton Earl Parker, which was taken on October 25, 2022.

15 13. Attached as Exhibit 13 is a true and correct copy of excerpts of the Deposition of  
16 Dr. Paul D. Martin, which was taken on March 16, 2023 - the portions that are attached  
17 hereto were previously filed on the public docket at Dkt. 228-32.

18 14. Attached as Exhibit 14 is a true and correct copy of excerpts of the Deposition of  
19 Sharathchandra Somayaji, which was taken on November 4, 2022 - the portions that are  
20 attached hereto were previously filed on the public docket without redaction at Dkt. 228-  
21 28.

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2 I declare under the penalty of perjury under the laws of the United States that the  
3 foregoing is true and correct.  
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5 Dated: August 26, 2024

**McCAULLEY LAW GROUP LLC**

6 By: /s/ Joshua Van Hoven  
7 JOSHUA V. VAN HOVEN

8 E-Mail: josh@mccaulleylawgroup.com  
9 3001 Bishop Dr., Suite 300  
10 San Ramon, California 94583  
11 Telephone: 925.302.5941

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17 *Attorneys for* SURGICAL INSTRUMENT  
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